

SUPPORT FOR AMENDMENTS

The claims have been amended for clarity; claims 12-26 have been newly added.

Support for the amendments and the new claims can be found in the original claims and in the specification:

- Claims 5, 12, 13, and 14: original Claim 1 & page 2, lines 20-33;
- Claim 6: page 4, lines 23-26;
- Claim 7: page 4, lines 33-35;
- Claim 15: page 2, lines 20-36;
- Claims 16-18: original Claims 2-4, respectively;
- Claims 19 & 20: page 3, lines 6-8;
- Claims 21 & 22: page 3, lines 10-12;
- Claim 23: page 5, lines 17-21;
- Claim 24: page 3, lines 28-29; and
- Claims 25 & 26: original Claim 7 and page 4, line 33 through page 5, line 2.

No new matter has been added.

REMARKS/ARGUMENTS

The Office is requiring restriction to one of the following groups:

Group I Claims 1-4, drawn to a process for the preparation of aqueous solutions of epichlorohydrinamine polymers.

Group II Claims 5-8, drawn to an epichlorohydrin polymer.

Group III Claim 11, drawn to a method for the surface treatment of leather.

Applicants elect with traverse Group II, Claims 5-8, for examination.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Office if restriction is not required (MPEP §803). The burden is on the Office to provide reasons and/or examples to support any conclusion in regard to patentable distinction (MPEP §803). Moreover, when citing lack of unity of invention in a national stage application, the Office has the burden of explaining

why each group lacks unity with the others (MPEP § 1893.03(d)), i.e. why a single general inventive concept is nonexistent. The lack of a single inventive concept must be specifically described.

The Office alleges that the above-identified groups do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical feature for the following reasons: “Claim 5, at least, is anticipated by or obvious over EP 0 431 739 A1. Consequently, the technical feature which links claims 1-8 and 11, epichlorohydrinamine polymers, does not provide a contribution over the prior art, so unity of invention is lacking.”

Annex B of the Administrative Instructions under the PCT, paragraph b (Technical Relationship), states, emphasis added:

The expression “special technical feature” is defined in Rule 13.2 as meaning those technical features that defines a contribution which each of the inventions, *considered as a whole*, makes over the prior art. The determination is made on the contents of the claims as *interpreted in light of the description* and drawings (if any).

Applicants respectfully submit that the Office did not consider the contribution of each invention, *as a whole*, in alleging the lack of a special technical feature. Applicants also respectfully submit that the Office has not provided any indication that the contents of the claims *interpreted in light of the description* were considered in making this allegation. Therefore, the Office has not met the burden necessary to support the assertion of a lack of unity of the invention.

For the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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